

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 107 OF 2004

MRS. SUJATA S.KARBOTKAR,PANAJI
GOA.

....Appellants

Versus

SHASHIKANT R.KARBOTKAR AND ANR.,

....Respondents

Mr. S. S. Kantak, Advocate for the appellant.

Mr. S. D. Lotlikar, Senior Advocate with Miss. K. Sambari, Advocate for the respondent No.1.

Coram:- R. M. LODHA, J.

Date:- 1st September, 2005

P.C.

Heard Mr. S. S. Kantak, the learned Counsel for the appellant. I perused the Judgment of the Ist Ad hoc Addl. District Judge, Panaji dated 23.7.2004 and the Judgment dated 30/4/2003 passed by the Civil Judge, Jr. Division, Panaji.

2. The appeal Court while reversing the findings of the trial Court held that the plaintiff has been able to establish that the defendant No.1 was entrusted with the suit premises temporarily. In other words, the appeal Court on the basis of the material on record held that there was no lease granted by the plaintiff in favour of the defendant No.1 and that the defendant No.1 was in possession of the suit premises only for a temporary period on the basis of the licence granted by the plaintiff.

3. The learned Counsel for the appellant could not show from the evidence on record that there was no any relationship of the lessor and lessee between the parties or that there was any right created in favour of the first defendant in the suit premises.

4. The findings recorded by the appeal Court are based on appraisal of the evidence on record. The said findings are concluded on facts. No substantial question of law arises in this second appeal.

5. The second appeal is, accordingly, dismissed in limine.

R. M. LODHA, J.